

Remarks

Claims 1-3 and 7-10 are pending with the cancellation of claims 4-6 herein without prejudice. Claims 1-3 are amended to recite absorbance in a range from about 325 nm to about 750nm as supported in paragraph 31 of the published specification.

The PTO requires the restriction of the claims in the above-identified application into one of the following groups of claims.

Group 1: Claims 1- 3, drawn to a method of determining concentration and measuring biliverdin from samples within an absorbance range of 325 nm to about 500 nm.

Group 2: Claims 4-6, drawn to a method of determining concentration and measuring biliverdin from samples within an absorbance range of 500 nm to about 750 nm.

Group 3: Claims 7-10, drawn to a kit.

Applicants have amended the claims to recite a single range of wavelengths to be used in the present methods. Since the difference in wavelength range between claims 1-3 and claims 4-6 is the apparent basis for the restriction between these groups, that difference is now removed. Accordingly, claims 4-6 are cancelled. Applicants provisionally elect, group 1 (claims 1-3) with traverse.

Applicants traverse the restriction requirement as currently set forth for the following reasons. To be valid, a restriction requirement must establish both that (1) the “inventions” are either independent or distinct, and (2) that examination of more than one of the “inventions” would constitute a burden to the Examiner. Applicants note that the restriction requirement does not provide sufficient basis to indicate that examination of more than one of the “inventions” would overly burden the Examiner. For this reason, applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Thus, applicants

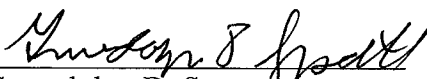
respectfully request that all of the claims of this application be examined together.

Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

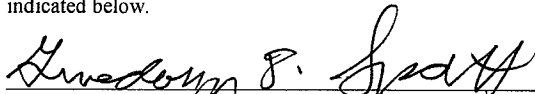
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